

REMARKS

Claims 1-11, 13-21 were pending, and claims 2-3 were under consideration. By this amendment, applicants have cancelled Claims 4-11 and 13-21 which were withdrawn from consideration, amended Claim 3 to be independent, and added new claims 22-24. Support for the new claims can be found in the specification as originally filed, e.g. at page 7, lines 23 *et seq.*

Applicants have amended the specification to correct clerical errors or informalities. Specifically, the paragraph bridging pages 7 and 8 was reintroduced to correct its deletion by error in the previous amendment, and the hyperlink in the paragraph bridging pages 13 and 14 has been removed. No issues of new matter are believed to have been raised and entry of the amendments and favorable reconsideration are respectfully requested.

Applicants further submit that the amendment has overcome the objections to the specification and to Claim 3, which is now in condition for allowance.

Claim rejection under 35 U.S.C. § 112, ¶ 1

The Office Action maintained a rejection to Claim 2 for alleged lack of written description. At the outset, applicants wish to point out that the Office Action is incorrect in stating the previous Claim 2 did “not require that the claimed polypeptide possess[] any biological activity, nor particular conserved structure, or other disclosed distinguishing feature” (see page 4, lines 4-7 of the Office Action). In fact, the previous version of Claim 2 recites both functional and structural features of the claimed genus.

In order to expedite prosecution, applicants have amended Claim 2, which now recites the function of the claimed polypeptide as well as a well-characterized and disclosed structure. The newly added claims also recite sufficiently specific and disclosed functional and structural features of the claimed polypeptide. Accordingly, applicants respectfully submit that as amended, the claims are fully supported by the original disclosure and satisfy all the requirements under 35 U.S.C. § 112.

Claim rejection under 35 U.S.C. § 102

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Response to Office Action dated December 19, 2003

Claim 2 was also rejected as being anticipated by Bradfield et al. Applicants respectfully submit that this rejection has been obviated by the claim amendments. The nucleotide sequence in Bradfield et al. has, at most, a percent similarity of less than 86% to SEQ ID NO: 2 of the instant application. As amended, Claim 2 requires that the claimed polypeptides are encoded by a polynucleotide having at least 90% sequence homology to SEQ ID NO: 2.

Accordingly, applicants respectfully submit that all claims are now in condition for allowance, and earnestly solicit an early indication from the examiner to that effect.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #056187.51594US).

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Respectfully submitted,



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